

BC

[If you need additional space for ANY section, please attach an additional sheet and reference that sheet in the caption.]

RECEIVED
10/21/2024
THOMAS G. BRUTON
CLERK, U.S. DISTRICT COURT

**UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF ILLINOIS**

KAREN MUHAMMAD

Plaintiff(s),

v.

Franciscan Alliance Inc, Raymond Grady, Regina
Tucker, Joy Allen, Dena Williams, Felicia Dixon,
Tyiomma Luckett, Dana Truesdell, Erica
Sergerberg, Linda Neiglinger, Ashley Tyler,
Rhonda Day, Tareva McNeal, Jessica Smosna

Case Number: _____

1:24-cv-10848

Judge Joan H. Lefkow

Magistrate Judge Young B. Kim

RANDOM / CAT.2

Defendant(s).

COMPLAINT OF EMPLOYMENT DISCRIMINATION

1. This is an action for employment discrimination.
2. The plaintiff is Karen Muhammad of the county of Cook in the state of Illinois.
3. The defendants is Franciscan Alliance Inc., Raymond Grady, Regina Tucker, Joy Allen, Dena Williams, Felicia Dixon, Tyiomma Luckett, Dana Truesdell, Erica Sergerberg, Linda Neiglinger, Ashley Tyler, Rhonda Day, Tareva McNeal, Jessica Smosna, whose Street address is 20201 CRAWFORD AVE, (city) OLYMPIA FIELDS, (county) COOK (state) IL (ZIP) 60461 (Defendant's telephone number) (708) -747-4000
4. The plaintiff sought employment or was employed by the defendant at (street address)

20201 Crawford Ave (city) Olympia Fields (county) Cook(state) IL(ZIP code) 60461

5. The plaintiff [*check one box*]

- (a) ☐ was denied employment by the defendant.
- (b) ☒ was hired and is still employed by the defendant.
- (c) ☐ was employed but is no longer employed by the defendant.

6. The defendant discriminated against the plaintiff on or about, or beginning on or about, (month)_____, (day)_____, (year)_____.

7.1 (*Choose paragraph 7.1 or 7.2, do not complete both.*)

- (a) The defendant is not a federal governmental agency, and the plaintiff [*check one box*] ☒ has ☐ has not filed a charge or charges against the defendant

asserting the acts of discrimination indicated in this complaint with any of the following government agencies:

- (i) ☒ the United States Equal Employment Opportunity Commission, on or about (month)06_____(day)21_____(year)2024_____.
- (ii) ☐ the Illinois Department of Human Rights, on or about (month)_____(day)_____(year)_____.

- (b) If charges *were* filed with an agency indicated above, a copy of the charge is attached. ☒ Yes, ☐ No, **but plaintiff will file a copy of the charge within 14 days.**

It is the policy of both the Equal Employment Opportunity Commission and the Illinois Department of Human Rights to cross-file with the other agency all charges received. The plaintiff has no reason to believe that this policy was not followed in this case.

7.2 The defendant is a federal governmental agency, and

- (a) the plaintiff previously filed a Complaint of Employment Discrimination with the

[If you need additional space for ANY section, please attach an additional sheet and reference that section.]

defendant asserting the acts of discrimination indicated in this court complaint.

☐ Yes (month)_____ (day)_____ (year) _____

☐ No, did not file Complaint of Employment Discrimination

(b) The plaintiff received a Final Agency Decision on (month)_____
(day)_____ (year)_____.

(c) Attached is a copy of the

(i) Complaint of Employment Discrimination,

☐ Yes ☐ No, but a copy will be filed within 14 days.

(ii) Final Agency Decision

☐ Yes ☐ NO, but a copy will be filed within 14 days.

8. *(Complete paragraph 8 only if defendant is not a federal governmental agency.)*

(a) ☐ the United States Equal Employment Opportunity Commission has not
issued a *Notice of Right to Sue*.

(b) ☒ the United States Equal Employment Opportunity Commission has issued
a *Notice of Right to Sue*, which was received by the plaintiff on
(month)07_____(day)16_____(year) 2024____a copy of which
Notice is attached to this complaint.

9. The defendant discriminated against the plaintiff because of the plaintiff's [**check
only those that apply**]:

(a) ☒ Age (Age Discrimination Employment Act).

(b) ☒ Color (Title VII of the Civil Rights Act of 1964 and 42 U.S.C. §1981).

- (c) ☒ Disability (Americans with Disabilities Act or Rehabilitation Act)
 - (d) ☒ National Origin (Title VII of the Civil Rights Act of 1964 and 42 U.S.C. §1981).
 - (e) ☒ Race (Title VII of the Civil Rights Act of 1964 and 42 U.S.C. §1981).
 - (f) ☐ Religion (Title VII of the Civil Rights Act of 1964)
 - (g) ☐ Sex (Title VII of the Civil Rights Act of 1964)
10. If the defendant is a state, county, municipal (city, town or village) or other local governmental agency, plaintiff further alleges discrimination on the basis of race, color, or national origin (42 U.S.C. § 1983).
11. Jurisdiction over the statutory violation alleged is conferred as follows: for Title VII claims by 28 U.S.C. §1331, 28 U.S.C. §1343(a)(3), and 42 U.S.C. §2000e-5(f)(3); for 42 U.S.C. §1981 and §1983 by 42 U.S.C. §1988; for the ADA by 42 U.S.C. §12117; for the Rehabilitation Act, 29 U.S.C. § 791; and for the ADEA, 29 U.S.C. § 626(c).
12. The defendant [*check only those that apply*]
- (a) ☐ failed to hire the plaintiff.
 - (b) ☐ terminated the plaintiff's employment.
 - (c) ☒ failed to promote the plaintiff.
 - (d) ☐ failed to reasonably accommodate the plaintiff's religion.
 - (e) ☒ failed to reasonably accommodate the plaintiff's disabilities.
 - (f) ☒ failed to stop harassment.
 - (g) ☒ retaliated against the plaintiff because the plaintiff did something to assert rights protected by the laws identified in paragraphs 9 and 10 above;
 - (h) ☐ other (specify):

13. The facts supporting the plaintiff's claim of discrimination are as follows:

During my tenure as a Patient Care Assistant II at Franciscan Health, I have encountered numerous instances of discrimination based on race, color, sex, national origin, age (40 or older), disability, and retaliation. These incidents have significantly impacted my well-being and professional growth, and I feel compelled to bring them to your attention to foster a more inclusive and equitable work environment.

Timeline of Discrimination Incidents:

The specific incidents occurred on the following dates: 06/05/22, 06/18/22, 12/21/22, 12/23/22, 09/10/23, 10/12/23, 10/27/23, 11/21/23, 12/23/23, 01/22/24, and 05/15/24.

Key Issues:

1. Disability Discrimination:

- I faced barriers in receiving reasonable accommodations for my documented health conditions (Diabetes and Asthma). Despite submitting necessary documentation, management (specifically Rhonda Day) failed to acknowledge my requests, which violates procedure number 1003.07P and the Americans with Disabilities Act (ADA).

2. Promotion Discrimination & Retaliation:

- I was unjustly overlooked for a promotion while on protected leave and despite being qualified. Management's inaction regarding my discrimination complaints contributed to a hostile work environment, violating the Family and Medical Leave Act (FMLA) and Title VII of the Civil Rights Act.

3. Harassment:

- I have documented instances of harassment by RN Dena Williams, who engaged in derogatory and retaliatory behavior towards me. Despite raising these concerns with the management (Joy Allen, Regina Tucker, and Jessica Smosna) through formal complaints and letters, no response or action has been taken to rectify the situation.

4. Inconsistent Treatment:

- My consistent, high-quality performance and recognition from patients and leadership starkly contrast the treatment I received, including being excluded from relevant job opportunities and undermined by peers in a professional capacity.

Patterns of Management's Inaction:

The management's failure to address reports of harassment and discrimination has perpetuated a toxic and hostile work environment, leading to increased stress and anxiety, which negatively impacts my performance.

Evidence Submitted:

I have compiled a comprehensive collection of evidence, including relevant communications, incident reports, company policies, and documented harassment, all of which substantiate my discrimination claims.

Call for Action:

I urgently request immediate attention to these incidents, as they not only affect my well-being but also compromise the operational efficiency of our team. All employees deserve a work environment free from discrimination and harassment.

The exhibits included in this complaint demonstrate their relevance to my claims, providing a solid clarification of how the evidence supports the allegations of employment discrimination.

Exhibits Overview:

1. Exhibit 0: Documentation of Compliance Failure:

- **Description:** This exhibit contains emails, policies, and communication logs supporting my claims regarding the employer's failure to meet the ADA's requirements for reasonable accommodations.
- ***Relevance*:** It demonstrates how management violated established procedures and neglected my rights under labor laws concerning disability discrimination.

2. Exhibit 1: Promotion Process Correspondence:

- **Description:** This includes emails and memos regarding the hiring and promotion processes within the organization, highlighting instances where positions were not advertised and where favoritism may have occurred.
- ***Relevance*:** This evidence illustrates the lack of transparency in the promotion process that adversely affected my career progression.

3. Exhibit 2: Harassment Policy Violations:

- **Description:** A compilation of the Franciscan Health harassment policy and documented instances of harassment by RN Dena Williams, alongside my communications with management about these incidents.
- ***Relevance*:** This exhibit underscores management's blatant disregard for company policy and demonstrates chronic harassment that I faced but was not addressed.

4. Exhibit 3: Incident Reports of Discriminatory Behavior:

- **Description:** Completed incident reports detailing colleagues' discriminatory and retaliatory actions, including negative remarks and exclusionary behavior.
- ***Relevance*:** These reports substantiate my harassment allegations and highlight the toxic work environment fostered by improper management responses.

5. Exhibit 4: Workplace Violence Prevention Documentation:

- **Description:** Policies related to workplace violence and correspondence documenting intimidation and hostility I experienced.
- ***Relevance*:** This exhibit supports my claims regarding violations of safe workplace standards and the impact on my emotional health and job performance.

6. Exhibit 5: Communication with Supervisors Regarding Disruptive Behavior:

- **Description:** Emails and messages were exchanged with my supervisors about adverse interactions with certain staff members and management's inaction.
- ***Relevance*:** This documentation demonstrates management's failure to respond appropriately to reports of harassment, which contributes to a hostile work environment.

7. Exhibit 6: Policy Awareness and Response Delays:

- **Description:** Records of my inquiries to HR regarding my incident reports, highlighting delays in responses and lack of follow-up by management.
- ***Relevance*:** This exhibit illustrates systemic issues within HR that hindered the timely resolution of workplace discrimination complaints.

8. Exhibit 7-10: Additional Evidence of Policy Violations:

- **Description:** Each exhibit includes specific policy violations by colleagues and my attempts to report these issues to management and HR.
- ***Relevance*:** They collectively reinforce the claim that management did not uphold or enforce company policies to protect employees from harassment.

***CEO Raymond Grady's Commitment to a Harassment-Free Workplace*:**

In his letters dated May 26, 2023, and December 21, 2023, CEO Raymond Grady emphasized Franciscan Health's commitment to maintaining a safe and respectful work environment free from aggression, harassment, or discrimination. He outlined fundamental principles designed to uphold equity, fellow respect, and an inclusive workplace culture:

1. **Commitment to Safety:** Grady reinstated the organization's policy against verbal aggression and the importance of reporting any behavior that contradicts this commitment.
2. **Zero Tolerance for Harassment:** He highlighted the organization's strict prohibition against discrimination and harassment based on race, color, sex, national origin, age (40 or older), disability, and retaliation.

Inconsistency and Violations:

Despite these public commitments, I have personally experienced significant harassment and discriminatory behavior from employees and management. Notably, the behaviors I have reported fall squarely against the professed values of the organization and directly violate several federal laws:

1. Title VII of the Civil Rights Act of 1964:

- Violation: This law prohibits employment discrimination based on race, color, religion, sex, or national origin. The ongoing racial discrimination and hostility I faced from RN Dena Williams, as well as a lack of manager response to my complaints, illustrates a clear violation of this act.

2. Americans with Disabilities Act (ADA):

- Violation: The ADA mandates reasonable accommodations for employees with disabilities. The failure of management, particularly Rhonda Day, to facilitate necessary accommodations for my diabetes and asthma, despite repeated requests and proper documentation, is a direct violation of this law.

3. Age Discrimination in Employment Act (ADEA):

- Violation: This act protects employees aged 40 and older from discrimination based on age. My experiences being overlooked for promotions in favor of younger, less-qualified employees raise concerns about potential age discrimination in the workplace.

4. Family and Medical Leave Act (FMLA):

- Violation: The FMLA ensures that employees on protected leave are not discriminated against or subject to adverse employment actions. The lack of transparency in the hiring process and retaliation against my protected leave significantly contravene this law.

The discrepancy between the values outlined by CEO Raymond Grady and the reality of my experiences at Franciscan Health is stark. I urge immediate investigation and action to uphold the commitments made by leadership and rectify the ongoing discrimination and harassment. The current environment not only contradicts the stated values of the organization but also violates established labor laws, which must be addressed to create a truly equitable workplace.

14. **[AGE DISCRIMINATION ONLY]** Defendant knowingly, intentionally, and willfully discriminated against the plaintiff.
15. The plaintiff demands that the case be tried by a jury. ☒ Yes ☐ No

16. THEREFORE, the plaintiff asks that the court grant the following relief to the plaintiff [*check only those that apply*]
- (a) ☐ Direct the defendant to hire the plaintiff.
 - (b) ☐ Direct the defendant to re-employ the plaintiff.
 - (c) ☒ Direct the defendant to promote the plaintiff.
 - (d) ☐ Direct the defendant to reasonably accommodate the plaintiff's religion.
 - (e) ☒ Direct the defendant to reasonably accommodate the plaintiff's disabilities.
 - (f) ☒ Direct the defendant to (specify): The defendants are responsible for punitive damages, counseling expenses, required reporting and oversight, changes to employment records, as well as compensation for ADA discrimination and entitlement to damages for promotion.
 - (g) ☒ If available, grant the plaintiff appropriate injunctive relief, lost wages, liquidated/double damages, front pay, compensatory damages, punitive damages, prejudgment interest, post-judgment interest, and costs, including reasonable attorney fees and expert witness fees.
 - (h) ☒ Grant such other relief as the Court may find appropriate.

Karen M Muhammad

(Plaintiff's signature)

Karen M Muhammad
(Plaintiff's name)

18532 May Street
(Plaintiff's street address)

(City) Homewood, (State) IL (ZIP) 60430

(Plaintiff's telephone number) (708) - 845-1306

Date: October 13, 2024



U.S. EQUAL EMPLOYMENT OPPORTUNITY COMMISSION

Chicago District Office
230 S Dearborn Street
Chicago, IL 60604
(800) 669-4000
Website: www.eeoc.gov

DETERMINATION AND NOTICE OF RIGHTS

(This Notice replaces EEOC FORMS 161, 161-A & 161-B)

Issued On: 07/16/2024

To: Mrs. Karen M. Muhammad
18532 May Street
HOMewood, IL 60430
Charge No: 440-2024-08537

EEOC Representative and email: JOVAN GATHINGS
Investigator
jovan.gathings@eeoc.gov

DETERMINATION OF CHARGE

The EEOC issues the following determination: The EEOC will not proceed further with its investigation and makes no determination about whether further investigation would establish violations of the statute. This does not mean the claims have no merit. This determination does not certify that the respondent is in compliance with the statutes. The EEOC makes no finding as to the merits of any other issues that might be construed as having been raised by this charge.

NOTICE OF YOUR RIGHT TO SUE

This is official notice from the EEOC of the dismissal of your charge and of your right to sue. If you choose to file a lawsuit against the respondent(s) on this charge under federal law in federal or state court, **your lawsuit must be filed WITHIN 90 DAYS of your receipt of this notice.** Receipt generally occurs on the date that you (or your representative) view this document. You should keep a record of the date you received this notice. Your right to sue based on this charge will be lost if you do not file a lawsuit in court within 90 days. (The time limit for filing a lawsuit based on a claim under state law may be different.)

If you file a lawsuit based on this charge, please sign in to the EEOC Public Portal and upload the court complaint to-charge 440-2024-08537.

On behalf of the Commission,

Digitally Signed By: Amrith Kaur Aakre
07/16/2024

Amrith Kaur Aakre
District Director

Cc:

Mary Jo Smith
1515 W. Dragon Trail
Mishawaka, IN 46546

Please retain this notice for your records.

EEOC Form 5 (11/09)

CHARGE OF DISCRIMINATION This form is affected by the Privacy Act of 1974. See enclosed Privacy Act Statement and other information before completing this form.		Charge Presented To: Agency(ies) Charge No(s): <div style="display: flex; justify-content: space-between;"> EEOC 440-2024-08537 </div> <div style="display: flex; justify-content: space-between;"> FEPA </div>	
Illinois Department Of Human Rights and EEOC _____ State or local Agency, if any			
I Name (Indicate Mr., Ms., Mrs., Miss, Mx., Dr., Hon., Rev.) Mrs. Karen M. Muhammad		Home Phone 708-845-1306	Year of Birth 1969
Street Address 18532 May Street HOMEWOOD, IL 60430			
Named is the Employer, Labor Organization, Employment Agency, Apprenticeship Committee, or State or Local Government Agency That I Believe Discriminated Against Me or Others. (If more than two, list under PARTICULARS below.)			
Name FRANCISCAN ALLIANCE		No. Employees, Members 501+ Employees	Phone No. (708) 747-4000
Street Address 20201 CRAWFORD AVE OLYMPIA FIELDS, IL 60461			
Name		No. Employees, Members	Phone No.
Street Address City, State and ZIP Code			
DISCRIMINATION BASED ON Age, Disability, Race, Retaliation		DATE(S) DISCRIMINATION TOOK PLACE <div style="display: flex; justify-content: space-between;"> Earliest 06/05/2022 Latest 05/29/2024 </div>	
THE PARTICULARS ARE (If additional paper is needed, attach extra sheet(s)): I began my employment with Respondent on or about April 26, 2016. My current position is Patient Care Assistant II. Respondent was aware of my disability. During my employment, I applied for a position for which I qualified for, and I was not selected. I requested a reasonable accommodation which was not granted to me. I complained to the Respondent. Subsequently, I was subjected to harassment. I believe that I have been discriminated against because of my race, Black, in violation of Title VII of the Civil Rights Act of 1964, as amended. I believe that I have been discriminated against because of my age, 55, (Y.O.B. 1969) in violation of the Age Discrimination in Employment Act of 1967, as amended.			
I want this charge filed with both the EEOC and the State or local Agency, if any. I will advise the agencies if I change my address or phone number and I will cooperate fully with them in the processing of my charge in accordance with their procedures.		NOTARY – When necessary for State and Local Agency Requirements	
I declare under penalty of perjury that the above is true and correct. Digitally Signed By: Mrs. Karen M. Muhammad 06/21/2024 <div style="text-align: right;">Charging Party Signature</div>		I swear or affirm that I have read the above charge and that it is true to the best of my knowledge, information and belief. SIGNATURE OF COMPLAINANT SUBSCRIBED AND SWORN TO BEFORE ME THIS DATE (month, day, year)	

EEOC Form 5 (11/09)

<p align="center">CHARGE OF DISCRIMINATION</p> <p align="center">This form is affected by the Privacy Act of 1974. See enclosed Privacy Act Statement and other information before completing this form.</p>	<p>Charge Presented To: Agency(ies) Charge No(s):</p> <p align="center">EEOC 440-2024-08537</p> <p align="center">FEPA</p>
<p align="center">Illinois Department Of Human Rights and EEOC</p> <p align="center"><i>State or local Agency, if any</i></p>	
<p>I believe that I have been discriminated against because of my disability, and in retaliation, in violation of the Americans with Disabilities Act of 1990, as amended.</p>	

<p>I want this charge filed with both the EEOC and the State or local Agency, if any. I will advise the agencies if I change my address or phone number and I will cooperate fully with them in the processing of my charge in accordance with their procedures.</p>	<p>NOTARY – When necessary for State and Local Agency Requirements</p>
<p>I declare under penalty of perjury that the above is true and correct.</p> <p>Digitally Signed By: Mrs. Karen M. Muhammad</p> <p>06/21/2024</p> <p align="right"><i>Charging Party Signature</i></p>	<p>I swear or affirm that I have read the above charge and that it is true to the best of my knowledge, information and belief.</p> <p>SIGNATURE OF COMPLAINANT</p> <p>SUBSCRIBED AND SWORN TO BEFORE ME THIS DATE (month, day, year)</p>

PYour Charge of Discrimination is Signed / El Cargo de Discriminación está Firmado

From: EEOC (no-reply@service.eeoc.gov)

To: kargilda@aol.com

Date: Friday, June 21, 2024, 02:35 PM CDT



U.S. Equal Employment Opportunity Commission

Chicago District Office

230 S Dearborn Street Chicago, IL 60604

(800) 669-4000

Website: www.eeoc.gov

06/21/2024

Mrs. Karen M. Muhammad
18532 May Street HOMEWOOD, IL 60430

Re: Mrs. Karen M. Muhammad v. FRANCISCAN ALLIANCE
EEOC Charge Number: 440-2024-08537

Dear Mrs. Karen M. Muhammad,

This is to acknowledge receipt of your EEOC charge of discrimination, which has been filed under the following statute(s):

The Americans With Disabilities Act of 1990 (ADA), The Age Discrimination in Employment Act of 1967 (ADEA) and Title VII of the Civil Rights Act of 1964 (Title VII).

We will contact you when we need more information. A notice of the charge will be sent to the organization you filed the charge against. Many states, counties, cities, and towns have their own laws prohibiting discrimination and responsible for enforcing those laws. These agencies are referred to as Fair Employment Practices Agencies (FEPAs). Usually, the laws enforced by these agencies are similar to those enforced by the EEOC. If the charge is initially filed with the EEOC and the charge is also covered by state or local law, the EEOC dual files the charge with the state or local FEPA (meaning the FEPA will receive a copy of the charge).

Please use the EEOC charge number listed at the top of this email whenever you or your attorney (if you have one) contact us about this charge. Please notify the EEOC's Chicago District Office of any change to your or your attorney's contact information or if you either of you will ever be unavailable for a long time. Failure to cooperate may lead to dismissal of the charge.

The quickest and most convenient way for your or your attorney to obtain the status of your charge and to submit documents is to use the [EEOC Public Portal](#).

Sincerely,

JOVAN GATHINGS
INVESTIGATOR
JOVAN.GATHINGS@EEOC.GOV
(312) 872-9694
